GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PUBLIC SERVANTS – Housing Department - Allegation of acquisition of assets disproportionate to his known sources of income against Sri Bathula Subash Babu, the then District Manager (now retired), APSHCL, Eluru, West Godavari district – Prosecution Sanctioned – Charge sheet filed - Convicted by the Special Judge for SPE&ACB Cases, Rajamahendravaram in C.C.No.150/2018 – Imposing penalty of withholding of pensionery benefits - Orders – Issued.

HOUSING (VIG.CELL.A1) DEPARTMENT

G.O.RT.No. 28 Dated: 01-03-2019

Read the following:-

1. From the DG, ACB, Andhra Pradesh Lr.Rc.No.107/REA-EWG/97, Dt:23.08.1997.
2. From the DG, ACB, Andhra Pradesh Lr.Rc.No.107/RCA-EWG-97.S.13, Dt:08.08.2002.
3. From the DG, ACB, Andhra Pradesh Lr.No.107/RCA-EWG/97.S13, Dt:05.09.2002.
4. G.O.Rt.No.300, Housing (Vig.Cell) Department, Dt:08.11.2002.
5. G.O.Rt.No.68, Housing (Vig.Cell) Department, Dt:22.02.2005.
6. G.O.Rt.No.188, Housing (Vig.Cell) Department, Dt:17.06.2005.
7. G.O.Rt.No.151, Housing (Vig.Cell) Department, Dt:24.05.2005.
8. From the DG, ACB, Andhra Pradesh Lr.Rc.No.107/RCA-EWG/1997-S13, Dt:29.09.2007.
9. From the D.G, ACB, Andhra Pradesh Lr.Rc.No.107/RCA-EWG/1997, Dt:22.01.2016 together with the Judgement Dt:29.11.2018 of the Hon'ble Special Judge for SPE&ACB Cases, Rajamahendravaram in C.C.No.150/2018.

@ @ @

O R D E R:-

Whereas, in the reference 1st read above, the Director General, Anti-Corruption Bureau, Andhra Pradesh has informed that on credible information that Sri Bathula Subash Babu, the then District Manager (now retired), APSHCL, Eluru, West Godavari district had acquired assets disproportionate to the known sources of income, hence a case in Cr.No.4/ACB-RCA-EWG/97 U/s 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 was registered against him on 15.07.1997 and investigation was taken up by the Bureau. In the reference 2nd read above, the Director General, Anti-Corruption Bureau has furnished the final report and recommended for prosecution of the Accused Officer in a Court of law besides to initiate departmental action for the acquisition of assets without obtaining permission in violation of the APCS (Conduct) Rules, 1964.

2. And whereas, in the reference 3rd read above, the Director General, Anti-Corruption Bureau has requested the Government to issue authorisation to the

Investigation Officer of the Bureau for making an application in the Hon'ble Court of Special Judge for SPE&ACB Cases, Vijayawada for attachment of properties of the Accused Officer U/s 3 and 4 of the Criminal Law Amendment Ordinance, 1944. Govt. after careful examination of the matter, have issued authorization orders to the Investigation Officer of the Bureau to file an application U/s 3 and 4 of the Criminal Law Amendment Ordinance, 1944 in the Court of Special Judge for SPE&ACB Cases, Vijayawada for attachment of properties of the Accused Officer Sri Bathula Subash Babu, the then District Manager (now retired), APSHCL, Eluru, West Godavari district in the reference 4th read above, and issued further modification orders in the reference 5th read above.

3. And whereas, Government after detailed examination of the final report, have accepted the recommendations of the Director General, Anti-Corruption Bureau and issued sanction orders to the Anti-Corruption Bureau to prosecute the Accused Officer Sri Bathula Subash Babu, the then District Manager (now retired), APSHCL, Eluru, West Godavari district in the Court of Law in the reference 6th read above. And whereas, in the reference 7th read above, departmental proceedings were also initiated against the Accused Officer under Rule-20 of the APCS (CC&A) Rules, 1991 for acquisition of assets without obtaining permission and violated the APCS (Conduct) Rules, 1964.

4. And whereas, in the reference 9th read above, the Director General, Anti-Corruption Bureau has informed that the Hon'ble Special Judge for SPE&ACB Cases, Rajamahendravaram has pronounced judgment on 29.11.2018 convicting the Accused Officer Sri Bathula Subash Babu, the then District Manager (now retired), APSHCL, Eluru, West Godavari district in the criminal case in CC.No.35/2007 [renumbered as CC.No.150/2018] and sentenced him to undergo rigorous imprisonment for a period of (3) years and sentenced to pay a fine of Rs.40,000/- u/s 16 of the Prevention of Corruption Act, 1988 and in default of payment of fine, to undergo simple imprisonment for a period of (1) year for the offence punishable u/s 13(1) (e) r/w 13 (2) of the Prevention of Corruption Act, 1988 and also ordered that the assets worth of Rs.5,72,785.63 ps. found disproportionate are to be confiscated to State after appeal time is over.

5. The DG, ACB has also informed that the Accused Officer was retired from service on 30.06.2005 on attaining the age of superannuation, therefore requested the Government to take necessary further action against the Accused Officer under A.P Revised Pension Rules, 1980 for withholding his pensionery benefits immediately and also to confiscate the disproportionate assets found worth of Rs.5,72,785.63 ps. to State after appeal time is over.

6. After careful examination of the entire matter, Government have decided to impose a penalty of withholding of the pensionery benefits on Sri Bathula Subash Babu, the then District Manager (now retired), APSHCL, Eluru, West Godavari district under Rule 9 of AP Revised Pension Rules, 1980 as he was convicted in the

Court of Law, and to confiscate the disproportionate assets found worth of Rs.5,72,785.63 ps. to State after appeal time is over.

7. Accordingly, Government hereby order to impose a penalty of withholding of the pensionery benefits of Sri Bathula Subash Babu, the then District Manager (now retired), APSHCL, Eluru, West Godavari district under Rule 9 of AP Revised Pension Rules, 1980 and to confiscate the disproportionate assets found worth of Rs.5,72,785.63 ps. to State after appeal time is over.

8. The Managing Director, A.P. State Housing Corporation Limited shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
Ex.OFFICIO SECRETARY TO GOVERNMENT

To
The Managing Director,
A.P. State Housing Corporation Limited,
Tadepalli, Guntur district.

Copy to:
The Director General, Anti Corruption Bureau,
Govt. of Andhra Pradesh,
Pandit Nehru Bus Station, Vijayawada.
The Secretary to Vigilance Commissioner,
A.P. Vigilance Commission, Velagapudi.
Sf / Sc

// FORWARDED :: BY ORDER //

SECTION OFFICER